

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY - - NOVEMBER 15, 2005 - - 7:30 P.M.

Mayor Johnson convened the Regular City Council meeting at 7:49 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

CONSENT CALENDAR

Councilmember deHaan moved approval of the Consent Calendar.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*05-534) Minutes of the Special City Council, Special Joint City Council and Community Improvement Commission, and Regular City Council Meetings held on November 1, 2005. Approved.

(*05-535) Ratified bills in the amount of \$2,408,086.91.

(*05-536) Recommendation to approve the purchase of three marked patrol vehicles from Film Vehicle Services in the amount of \$80,493. Accepted.

(*05-537) Recommendation to approve an agreement with Holland & Knight, LLP in the amount of \$96,000 for federal legislative advocacy services. Accepted.

(*05-538) Resolution No. 13908, "Approving Proposed Amendment to the 1986 Measure B Alameda County Transportation Expenditure Plan." Adopted.

(*05-539) Resolution No. 13909, "Establishing Annual Free All-Day

Parking, with a Three-Hour Maximum Per Car Per space, for the Webster Street and the Park Street Business Districts on December 3, 10, and 17, 2005." Adopted.

REGULAR AGENDA ITEMS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(05-540) Michael John Torrey, Alameda, wished everyone a happy thanksgiving.

COUNCIL COMMUNICATIONS

(05-541) Consideration of Mayor's nominations for appointment to the Economic Development Commission (2 vacancies) and Recreation and Park Commission.

Mayor Johnson nominated Morris H. Trevithick to the Real Estate/Land Development seat of the Economic Development Commission and continued the Community at Large vacancy (EDC) and the Recreation and Park Commission vacancy.

(05-542) Discussion of a proposal for the City of Alameda, as a participant in the Alameda County Lead Poisoning Prevention Program, to partially fund a survey to be used in analyzing the feasibility of increasing the County Service Area fee for lead abatement education and services.

Mayor Johnson stated that Supervisor Alice Lai-Bitker was present to provide the Council with information on the matter.

Supervisor Lai-Bitker stated that Mark Allen, Alameda County Lead Poisoning Prevention Program (ACLPPP) Board, was also available to provide the Council with information; ACLPPP has provided a great value in preventing lead poisoning among children; government jurisdictions have suffered from financial challenges and budget reductions; staff layoffs occurred during the current fiscal year; stated that there has not been a fee increase since the fee was adopted in 1991; now is a good time to examine an increase; pre-1978 homes currently have a \$10 assessment fee; stated ACLPPP would pay for the cost of an election.

Councilmember deHaan inquired how the cities of Oakland, Berkeley, and Emeryville responded to the request to partially fund the survey.

Supervisor Lai-Bitker responded that the City of Oakland would be approving the request.

Mr. Allen stated that the City of Emeryville would address the matter at its December 6 City Council meeting; the City of Berkeley was having a preliminary discussion tonight.

Councilmember Daysog inquired whether the survey questions would address only the lead abatement program.

Mr. Allen responded that the survey would provide a sense of what a palatable fee would be; results would determine whether to seek a two-thirds majority vote of the electorate or a simple majority of the property owners involved in the fee payment; Proposition 218 has certain requirements on how the election should be run; the property owners' vote would be weighted based on the number of units owned.

Councilmember Daysog stated there were unrelated add on questions regarding waste related issues when polls were conducted in the past; City dollars should be spent for the lead abatement poll and not for a candidate.

Mr. Allen stated that conducting a poll for a candidate would not be appropriate for a public agency.

Mayor Johnson inquired whether a list of the questions would be available, to which Mr. Allen responded in the affirmative.

Vice Mayor Gilmore stated there was a short timeframe if the poll results favor a 2006 General Election.

Supervisor Lai-Bitker stated the consultant intended to conduct the poll in December; the timeframe has been delayed; a mail-in ballot could be done in the spring.

Mr. Allen stated that conducting the poll was still a possibility at the end of December; the process has taken some time; stated he would inform the Council on the projected date.

Councilmember Daysog stated that he was concerned that the person potentially running the poll was the political consultant for the candidate he was running against.

Mayor Johnson stated that the Joint Powers Authority (JPA) had concerns about how the consultant selection process occurred and was not happy with the process.

Councilmember Daysog stated that ACLPPP has been a tremendous program for Alameda over the years.

Councilmember Matarrese inquired whether broadening the assessment district across the County would be tested in the poll, to which Supervisor Lai-Bitker responded in the affirmative.

Mayor Johnson stated that the matter was being reviewed by JPA.

Councilmember deHaan inquired whether the matter would be addressed in the survey.

Supervisor Lai-Bitker responded that the consultant would work with the pollster to plan the questions; she personally has been exploring the idea of expanding to the unincorporated areas; stated the County would contribute \$11,000 to the survey.

Mayor Johnson requested information on the description of the program, budget reduction impacts, and the benefits to Alameda if additional funding became available.

Mr. Allen stated that Alameda joined the lead abatement district in October, 1992; services include the prevention of lead poisoning, treatment of children identified with lead poisoning, and primary prevention; a free, one-day lead safe work practice training is provided to every property owner in the County Service Area; a free two-hour training is provided to any property owner interested in learning the basics of lead poisoning prevention; lead safe painting kits are provided; educational materials are provided to Alameda offices, libraries, and hardware and paint stores; ACLPPP works closely with the City's Housing Authority; the County Service Area fee allows the County to leverage \$19 million of federal Center for Disease Control and Environmental Protection Agency dollars to get Housing and Urban Development funds; financing has been available for the remediation of 32 pre-1978, low-income units; free risk assessment services have been eliminated; a State certified lead project designer works with property owners to identify the most cost-effective, safe way to address lead hazards; the service could be eliminated; risk assessments have been replaced with in-home consultations.

Councilmember Daysog inquired who would own the data, to which Mr. Allen responded ACLPPP.

Councilmember Daysog inquired what safeguards are in place to ensure that the data would not be used for another political race.

Mr. Allen responded that the County Counsel would review the

contract; the County Auditor would monitor the money; the data would be provided to Alameda County and JPA Board of Directors.

Councilmember Daysog stated that he was concerned that information on a specific voter, at a specific address, with a particular issue could be used by a candidate; inquired who would own the data on an individual.

Mr. Allen responded that the question would need to be raised with County Counsel.

Councilmember Daysog inquired what safeguards are in place to ensure that Larry Tramutola would not use the data for another campaign and what would be done to ensure the data was available to everyone.

Mayor Johnson stated that Councilmember Daysog's concern was valid; inquired whether the data would be available to the four JPA cities, to which Mr. Allen responded that he would assume so.

Councilmember Matarrese stated that the data should be available to the general public because payment would be made by a public entity; public availability should be a provision of the City's participation in addition to only having lead abatement questions in the survey.

Councilmember Daysog inquired whether he was in conflict because he was in a political race and discussing a political consultant.

The Assistant City Attorney responded that nothing raised tonight would pose a conflict.

Councilmember Daysog stated that he would also check with the Fair Political Practice Commission on the matter.

Councilmember deHaan stated that the questions are valid; proposed safeguarding methods should be brought back to the Council.

Supervisor Lai-Bitker stated that a written reply would be provided to the Council.

Mayor Johnson inquired whether the City of Berkeley was voting tonight on the proposal to participate.

Mr. Allen responded that the matter was not an action item tonight.

Mayor Johnson inquired when the matter would be placed on the City of Berkeley's agenda, to which Mr. Allen responded December 6.

Mayor Johnson inquired what would occur if one city did not agree to participate, to which Mr. Allen responded that he did not know.

Councilmember Matarrese stated that the requested reports should be provided to the Council before the matter was on the agenda for action.

Councilmember deHaan inquired whether similar polling has been done in the past.

Supervisor Lai-Bitker responded that she was not aware of any.

Councilmember deHaan stated that he would assume that similar polling would be done continually.

Supervisor Lai-Bitker stated that similar polling has been done for Countywide issues.

Councilmember deHaan stated that some of the safeguards used in the past could be put into the contract.

Councilmember Daysog stated that there was overall support for the good work being done.

(05-543) Councilmember Daysog stated that he was concerned with Bill Riley's comments which almost invited a terrorist attack in San Francisco; public officials need to take a stand and write a letter regarding possible implications.

(05-544) Mayor Johnson stated that the Council attended the Bridgeside Shopping Center groundbreaking.

Councilmember Matarrese stated that Nob Hill Foods was coming to Alameda; construction has started; the property was being graded.

Mayor Johnson stated there have been a number of false rumors regarding the Bridgeside Shopping Center over the past few months; the previous owner's lack of interest in developing the property in a way the community desired was one of the complications; the project should be completed by Labor Day.

Councilmember deHaan stated the Webster Street Streetscape has been completed; Park Street would be completed tomorrow.

Councilmember Matarrese stated that the Bridgeside Shopping Center was one of the most positive projects in the City; he was on the Economic Development Commission with Councilmember deHaan when the

site was considered a blight; a local resident has expressed concern with semi trucks parked overnight at Blanding Avenue; garbage, boxes, and shopping carts are left on the street; the intersection of Blanding Avenue and Broadway is dangerous; efforts should be made to spruce up the area and review traffic.

Councilmember deHaan stated that Oakland has a problem with a growing street community near the Bridgeside Shopping Center and should be notified that the situation is not tolerable.

Councilmember Matarrese stated that the Port of Oakland has been trying to correct the situation.

Mayor Johnson stated that Alameda and Oakland police should work cooperatively on the situation.

Councilmember deHaan stated activities on Clement Avenue and Grand Street should be given attention.

(05-545) Councilmember Daysog requested an update on the hiring process of vacant department head positions.

(05-546) Mayor Johnson stated that Saturday's electronic recycling was a great success; money is made on the event; suggested increasing the event's scheduling to every six months.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 8:32 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 15, 2005- -6:00 p.m.

Mayor Johnson convened the Special Meeting at 6:10 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05-529) Conference with Labor Negotiators - Agency Negotiators: Craig Jory and Human Resources Director; Employee Organizations: Executive Management Employees, International Brotherhood of Electrical Workers, and Management and Confidential Employees Association.

(05-530) Conference with Legal Counsel - Existing Litigation - Name of case: Citizens for a Megaplex-Free Alameda v. City of Alameda, et al.

(05-531) Conference with Real Property Negotiators - Property: 2900 Main Street; Negotiating Parties: City of Alameda and Alameda Gateway, Ltd; Under Negotiation: Price and terms.

(05-532) Conference with Legal Counsel - Existing Litigation: Name of case: Mohlen and Skrinde v. City of Alameda. **Not held.**

(05-533) Conference with Labor Negotiators - Agency Negotiators: Marie Gilmore and Frank Matarrese; Employee: City Attorney.

Mayor Johnson called a recess to hold the Regular City Council meeting at 7:30 p.m. and reconvened the closed session at 8:40 p.m.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding the Executive Management Employees, International Brotherhood of Electrical Workers, and Management and Confidential Employees Association, the Council received a briefing from labor negotiators; regarding Citizens for a Megaplex-Free Alameda v. City of Alameda, et al, the Council received a briefing from Legal Counsel; regarding Conference with Real Property Negotiators, the Council received a briefing and no action was taken; and regarding the City Attorney, the Council gave direction.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 9:40 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY - - - NOVEMBER 15, 2005 - - - 7:27 P.M.

Chair Johnson convened the Special Meeting at 7:41 p.m.
Commissioner deHaan led the Pledge of Allegiance.

ROLL CALL - Present: Commissioners Daysog, deHaan, Gilmore,
Matarrese, and Chair Johnson - 5.

Absent: None.

CONSENT CALENDAR

Following discussion of the ERM-West Agreement [Paragraph no. 05-052], Commissioner Daysog moved approval of the consent calendar.

Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*05-051) Minutes of the Special Joint City Council and Community Improvement Commission Meeting held on November 1, 2005. Approved.

(*05-052) Recommendation to authorize the Executive Director to enter into an agreement with ERM-West, Inc. in an amount not to exceed \$194,320 to evaluate PAH contamination on a portion of the Fleet Industrial Supply Center Property.

Joan Konrad, Alameda, submitted a letter; stated that she was concerned with the Fleet Industrial Supply Center development; urged the Council to consider mixed use of the property.

Commissioner Matarrese inquired whether the original testing was considered inadequate.

The Base Reuse and Redevelopment Division Manager responded in the affirmative; stated the Navy was willing to perform sampling which was sufficient for the contemplated non-residential reuse.

Commissioner Matarrese inquired whether precluding any residential use was a conservative approach, to which the Base Reuse and Redevelopment Division Manager responded in the affirmative.

Commissioner Matarrese inquired whether additional testing would necessitate mitigation and cleanup for the contemplated residential use.

The Base Reuse and Redevelopment Division Manager responded in the affirmative; stated additional sampling would be performed to

augment the testing performed by the Navy; the sampling would be the first step in determining strategies and solutions.

Commissioner deHaan inquired whether additional remediation was needed for the present commercial use of the property and whether the Navy was obligated for cleanup.

The Base Reuse and Redevelopment Division Manager responded the Navy's responsibilities were concluded at the site; additional cleanup was not required for commercial uses.

Commissioner deHaan inquired who performed and paid for the testing, to which the Base Reuse and Redevelopment Division Manager responded the Navy.

Commissioner deHaan inquired why the City would pay the entire cost and not have Catellus share in the expense.

The Base Reuse and Redevelopment Division Manager responded that the Community Improvement Commission (CIC) has taken on the obligation as the property owner; a range of land use options would be available to pursue as a property owner.

Commissioner deHaan inquired who would pay for additional remediation costs.

The Base Reuse and Redevelopment Division Manager responded the CIC may decide to pay the costs or pass the costs on to a future developer; staff would bring the matter to the CIC for a decision.

Commissioner Daysog moved approval of the Consent Calendar.

Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 5.

AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, Chair Johnson adjourned the Special Meeting at 7:50 p.m.

Respectfully submitted,

Lara Weisiger
Secretary

Agenda for meeting was posted in accordance with the Brown Act.